

**BEFORE THE  
PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2018-349-C**

Application of )  
)  
**FiberLight, LLC** )  
)  
For a Certificate of Public Convenience )  
And Necessity to Provide Resold and )  
Facilities-Based Local Exchange and )  
Interexchange (Including Exchange )  
Access) Telecommunications Services in )  
the State of South Carolina and for )  
Alternative and Flexible Regulation )

**DIRECT TESTIMONY OF TONY D. CASH**

1 **Q. PLEASE STATE YOUR FULL NAME, BUSINESS ADDRESS, AND POSITION.**

2 **A.** My name is Tony D. Cash. My business address is 1700 Great Oaks Way, Suite 100  
3 Alpharetta, GA 30022. I am Executive Vice President (“EVP”) and General Counsel of  
4 FiberLight, LLC (“FiberLight”).

5 **Q. ON WHOSE BEHALF ARE YOU TESTIFYING?**

6 **A.** I’m testifying on behalf of FiberLight.

7 **Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THIS COMMISSION?**

8 **A.** No, I have not.

9 **Q. PLEASE BRIEFLY DESCRIBE YOUR DUTIES.**

10 **A.** My responsibility as EVP and General Counsel is to guide the company’s stakeholders  
11 and executive leadership on organizational business practices and other decision-making  
12 activities. In addition, I oversee all of FiberLight’s legal, regulatory and human resource  
13 functions.

1 **Q. PLEASE DESCRIBE YOUR BUSINESS EXPERIENCE AND EDUCATIONAL**  
2 **BACKGROUND.**

3 **A.** I have a breadth of legal knowledge built on twenty years of prior in-house  
4 telecommunications experience with both AT&T and BellSouth, experience founding a  
5 startup technology licensing company and a decade working in private practice. I have  
6 received degrees from Clemson University (BA), Duke University (MBA), and Georgia  
7 State University (JD).

8 **Q. ARE YOU FAMILIAR WITH THE APPLICATION THAT FIBERLIGHT**  
9 **SUBMITTED TO THIS COMMISSION?**

10 **A.** Yes, and that Application and Exhibits are incorporated into this Testimony by reference.

11 **Q. DOES ANY INFORMATION IN THE APPLICATION NEED TO BE UPDATED**  
12 **OR REVISED?**

13 **A.** Since the Application was filed, FiberLight has filed for certification in Alabama and  
14 therefore has an application pending there as well as in West Virginia.

15 **Q. ARE ALL STATEMENTS IN FIBERLIGHT'S APPLICATION TRUE AND**  
16 **CORRECT TO THE BEST OF YOUR KNOWLEDGE, INFORMATION AND**  
17 **BELIEF?**

18 **A.** Yes.

19 **Q. HAS FIBERLIGHT APPLIED PREVIOUSLY FOR CERTIFICATION TO**  
20 **PROVIDE INTRASTATE TELECOMMUNICATIONS SERVICES IN SOUTH**  
21 **CAROLINA?**

22 **A.** No.

23 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

1    **A.**     The purpose of my testimony is to support the Application filed by FiberLight to obtain  
2            authority to provide facilities-based and resold local exchange and interexchange  
3            telecommunications services in South Carolina by demonstrating, among other things,  
4            that FiberLight has the financial, managerial and technical expertise to provide such  
5            services in South Carolina, and that granting FiberLight's Application is in the public  
6            interest.

7    **Q:     PLEASE DESCRIBE THE CURRENT CORPORATE STRUCTURE OF**  
8            **FIBERLIGHT.**

9    **A.**     As more fully described in the Application, FiberLight is virtually 100% (greater than  
10            99%) owned by Thermo Acquisitions, Inc. Applicant is a Delaware limited liability  
11            company formed on March 18, 2005. A copy of Applicant's Articles of Organization is  
12            attached to FiberLight's Application as **Exhibit A**.

13   **Q.     IS FIBERLIGHT LEGALLY AUTHORIZED TO DO BUSINESS IN SOUTH**  
14            **CAROLINA?**

15   **A.**     Yes. FiberLight is authorized to transact business in the State of South Carolina. A copy  
16            of FiberLight's Certificate of Authority to Transact Business in the State of South  
17            Carolina is attached to FiberLight's Application as **Exhibit A**.

18   **Q.     PLEASE DESCRIBE THE AUTHORITY THAT FIBERLIGHT SEEKS FROM**  
19            **THE COMMISSION.**

20   **A.**     FiberLight is seeking authority to provide local exchange and interexchange—including  
21            exchange access—telecommunications services in the State of South Carolina. In  
22            addition, FiberLight requests flexible regulation for its local exchange  
23            telecommunications services in accordance with procedures first authorized in Order No.

1 98-165 in Docket No. 97-267-C. FiberLight also requests that the Commission regulate  
2 its interexchange service offerings in accordance with the principles and procedures  
3 established for alternative regulation in Commission Order Nos. 95-1734 and 96-55 in  
4 Docket No. 95-661-C, as modified by Commission Order No. 2001-997 in Docket No.  
5 2000-407-C.

6 **Q. HAS FIBERLIGHT BEEN AUTHORIZED TO PROVIDE SUCH SERVICE IN**  
7 **ANY OTHER JURISDICTIONS?**

8 **A.** Yes. FiberLight is currently authorized to provide intrastate telecommunications service  
9 in Florida, Georgia, Virginia, Louisiana, Texas, Maryland, Oklahoma, New Mexico,  
10 North Carolina (IXC only) and the District of Columbia. Additionally, FiberLight has  
11 pending applications for statewide authority in West Virginia and Alabama. FiberLight  
12 has not been denied requested certification in any jurisdiction, nor has any permit, license  
13 or certificate been permanently revoked by any authority.

14 **Q. PLEASE EXPLAIN FIBERLIGHT'S MANAGERIAL AND TECHNICAL**  
15 **QUALIFICATIONS TO PROVIDE THE SERVICES IT SEEKS**  
16 **AUTHORIZATION TO PROVIDE IN ITS APPLICATION.**

17 **A.** FiberLight is technically and managerially qualified to provide competitive local,  
18 intraLATA and interLATA telecommunications services statewide in South Carolina.  
19 Applicant's operations will be directed by its existing corporate management, technical  
20 and operations staffs, who are responsible for FiberLight's telecommunications  
21 operations. A description of the background of Applicant's key personnel, demonstrating  
22 the extensive telecommunications experience of its management team, is provided as  
23 **Exhibit D** to its Application. FiberLight's highly-qualified engineering and technical

1 staff will work to ensure that its operations will meet high standards for service quality  
2 and reliability.

3 **Q. PLEASE DESCRIBE FIBERLIGHT'S FINANCIAL QUALIFICATIONS.**

4 **A.** FiberLight possesses the requisite financial resources to provide the telecommunications  
5 services it seeks authority to provide in South Carolina. FiberLight's audited financial  
6 statement was filed under seal with its Application as **Exhibit C**. FiberLight's audited  
7 financials provide evidence that FiberLight is financially qualified to provide service in  
8 South Carolina.

9 **Q. PLEASE DESCRIBE THE TYPES OF SERVICES THAT FIBERLIGHT WILL**  
10 **OFFER IN SOUTH CAROLINA.**

11 **A.** Applicant seeks authority to provide facilities-based and resold local exchange, exchange  
12 access and interexchange telecommunications services. Applicant will offer  
13 interexchange telecommunications statewide. To the extent Applicant provides switched  
14 local exchange services, it will initially do so in the areas served by AT&T and does not  
15 plan to provide service in areas of any small or rural local exchange carriers. However,  
16 FiberLight does seek authority to provide local exchange services in all areas that are  
17 currently open, or become open in the future, to competition so that it may expand into  
18 other services as market conditions warrant.

19 Services to be offered by FiberLight could include exchange access services,  
20 exchange access optional features, directory assistance and operator services, optional  
21 local exchange services, special arrangements and other miscellaneous services. As part  
22 of its special access offerings, FiberLight intends to provide facilities-based and resale  
23 intrastate private line and special access services.

1 FiberLight will offer 9-1-1 selective routing, switching, aggregation and call  
2 transport. The Applicant intends to provide emergency call routing, transport and related  
3 functionalities to state and municipal governmental agencies to support public service  
4 answering point (“PSAP”) operations. For these purposes, Applicant will rely primarily  
5 on existing facilities obtained from other carriers and utilities, but will construct its own  
6 facilities, as necessary.

7 Applicant does not initially intend to offer voice services but seeks authority to do  
8 so should Applicant decide to expand its services as market conditions dictate. To the  
9 extent Applicant provides voice telephone services in the future, Applicant intends to use  
10 the existing local exchange boundaries and established local calling scope of the  
11 incumbent local exchange carriers in South Carolina.

12 **Q. WHAT FACILITIES WILL FIBERLIGHT USE TO PROVIDE ITS PROPOSED**  
13 **LOCAL EXCHANGE SERVICES?**

14 **A.** FiberLight will primarily provide services using its own facilities and facilities leased  
15 from other carriers, but may also rely upon resold services and unbundled network  
16 elements.

17 **Q. HAS FIBERLIGHT BEGUN INTERCONNECTION NEGOTIATIONS WITH**  
18 **INCUMBENT LOCAL EXCHANGE CARRIERS (ILECS) IN SOUTH**  
19 **CAROLINA?**

20 **A.** At this time, applicant has not begun negotiations with ILECs in South Carolina for  
21 interconnection agreement(s). However, as soon as it becomes necessary, FiberLight will  
22 negotiate with relevant ILECs interconnection agreements, commercial agreements and  
23 such other agreements as might be necessary to meet customer requirements.

1 **Q. WHAT GEOGRAPHIC AREAS WILL APPLICANT SERVE?**

2 **A.** Applicant will offer interexchange telecommunications statewide. To the extent  
3 Applicant provides switched local exchange services, it will initially do so in the areas  
4 served by AT&T and does not plan to provide service in areas of any small or rural local  
5 exchange carriers. However, FiberLight does seek authority to provide local exchange  
6 services in all areas that are currently open, or become open in the future, to competition  
7 so that it may expand into other services as market conditions warrant. Applicant intends  
8 to mirror the existing local exchange boundaries of the incumbent local exchange carriers  
9 in South Carolina.

10 **Q. WILL FIBERLIGHT OFFER SERVICE TO ALL CONSUMERS WITHIN ITS**  
11 **SERVICE AREA?**

12 **A.** FiberLight's markets its services to wholesale (*e.g.*, other carriers), government, health  
13 care, education, financial services and other enterprise customers. FiberLight will have a  
14 tariff on file and will provide tariffed service in South Carolina on a nondiscriminatory  
15 basis. FiberLight primarily provide business services and does not intend to provide  
16 retail residential local exchange services in South Carolina.

17 **Q. WILL FIBERLIGHT'S TARIFF CONTAIN ALL OF ITS RATES AND**  
18 **CHARGES AS REQUIRED FOR INTRASTATE TELEPHONE SERVICES?**

19 **A.** Yes. FiberLight's proposed tariff, setting forth the rates, terms, conditions and  
20 regulations pursuant to which FiberLight proposes to provide regulated  
21 telecommunications services, was provided as **Exhibit B** to its Application.

22 **Q. HOW WILL FIBERLIGHT BILL FOR ITS SERVICES?**

1    **A.**     FiberLight will issue monthly invoices to its customers and will include the toll-free  
2           customer service number on the customer invoice.

3    **Q.     DOES FIBERLIGHT OFFER A DEBIT OR PREPAID CALLING CARD?**

4    **A.**     No, FiberLight does not currently offer a debit card or prepaid calling card services, and  
5           does not intend to offer such services in South Carolina. FiberLight also does not intend  
6           to offer residential local exchange service. As such, Regulation 103-607 does not apply  
7           to FiberLight. In the event FiberLight provides retail residential local exchange services  
8           in South Carolina, Applicant will comply with the provisions of S.C. Code Ann. Regs.  
9           103-607.

10   **Q.     DOES FIBERLIGHT AGREE TO ABIDE BY ALL RULES, REGULATIONS,**  
11       **POLICIES AND ORDERS OF THIS COMMISSION, AND THE LAWS OF THE**  
12       **STATE OF SOUTH CAROLINA, IN ITS PROVISION OF**  
13       **TELECOMMUNICATIONS SERVICE?**

14   **A.**     Yes. FiberLight agrees to abide by all rules and regulations that are applicable to its  
15           provision of telecommunications services with the State of South Carolina.

16   **Q.     HOW WILL FIBERLIGHT MARKET ITS SERVICES?**

17   **A.**     FiberLight's primary method of marketing will involve the use of a direct sales force.

18   **Q.     DOES FIBERLIGHT USE TELEMARKETING AS A METHOD FOR SELLING**  
19       **ITS SERVICES?**

20   **A.**     FiberLight does not currently have plans to use third-party out-bound telemarketing in  
21           South Carolina. FiberLight's internal sales team will make outbound calls to prospective  
22           customers. If FiberLight decides to use third party out-bound telemarketing in the future,  
23           it will comply with all applicable telemarketing rules.



1 **Q. HOW ARE CUSTOMER INQUIRIES/DISPUTES HANDLED?**

2 **A.** Applicant's planned service offerings will meet or exceed the Commission's quality of  
3 service requirements. In addition, connectivity of Applicant's network will expand upon,  
4 improve and will not impair the statewide public switched network. In the event of a  
5 billing dispute, FiberLight will review the disputed billing amount and promptly attempt  
6 to reach a settlement to the mutual satisfaction of all parties. Following a full  
7 investigation to determine whether or not the charges may have been improper, FiberLight  
8 will adjust the disputed bill, if and as appropriate.

9 **Q. HOW WILL A CUSTOMER CONTACT FIBERLIGHT REGARDING BILLING**  
10 **AND OTHER CUSTOMER SERVICE INQUIRIES?**

11 **A.** The following toll-free number is available for consumer inquiries: 1-800-672-0181.  
12 The point person responsible for customer service is: Ms. Carla Hicks, 11700 Great Oaks  
13 Way, Suite 100, Alpharetta, GA 30022. She can be reached by email at  
14 [Legal@FiberLight.com](mailto:Legal@FiberLight.com).

15 **Q. WHY IS FIBERLIGHT SEEKING EXEMPTIONS FROM ANY RULES**  
16 **REQUIRING THAT ITS BOOKS BE KEPT IN CONFORMANCE WITH THE**  
17 **UNIFORM SYSTEM OF ACCOUNTS?**

18 **A.** The USOA was developed by the Federal Communications Commission ("FCC") as a  
19 means of regulating telecommunications companies subject to rate base regulation. As a  
20 competitive carrier, FiberLight will not be subject to rate base regulation and therefore  
21 requests Commission approval for FiberLight to maintain its books in accordance with  
22 Generally Accepted Accounting Principles ("GAAP").

1 **Q. WHY ARE YOU SEEKING A WAIVER OF THE REQUIREMENT THAT YOUR**  
2 **BOOKS AND RECORDS BE KEPT IN SOUTH CAROLINA PURSUANT TO 26**  
3 **REGS. 103-610?**

4 **A.** FiberLight's business office is located in Alpharetta, Georgia, and in the absence of such  
5 a waiver, FiberLight would have to assume additional expenses to maintain records and  
6 reports in an office in South Carolina. FiberLight will maintain the required records at its  
7 principal place of business. All such books and records shall be provided to the  
8 Commission Staff or the Office of Regulatory Staff ("ORS") at the appropriate applicable  
9 office within the State of South Carolina in a timely manner upon request.

10 **Q. HOW WILL APPLICANT GUARD AGAINST SLAMMING?**

11 **A.** FiberLight does not initially intend to provide voice services. In the event FiberLight  
12 does provide switched voice services in the future, FiberLight will prevent unauthorized  
13 switching of customers by obtaining a signed letter of authorization ("LOA"), or similar  
14 authorization, from all new customers. FiberLight will comply with applicable South  
15 Carolina law and FCC regulations regarding how carriers may change a customers'  
16 primary carrier(s).

17 **Q. IS FIBERLIGHT SEEKING FLEXIBLE REGULATORY TREATMENT FOR ITS**  
18 **LOCAL EXCHANGE SERVICE OFFERINGS?**

19 **A.** Yes, FiberLight respectfully requests that its local exchange service offerings be  
20 regulated in accordance with Order No. 98-165 in Docket No. 97-467-C.

21 **Q. HAS APPLICANT REQUESTED ALTERNATIVE REGULATION OF ITS LONG**  
22 **DISTANCE BUSINESS SERVICE, CONSUMER CARD AND OPERATOR**  
23 **SERVICE OFFERINGS?**

1    **A.**     Yes, FiberLight requests that all of its business service offerings be regulated pursuant to  
2           the procedures described and set out in Commission Order Nos. 95-1734 and 96-55 in  
3           Docket No. 95-661-C, as modified by Commission Order No. 2001-997 in Docket No.  
4           2000-407-C. It is FiberLight's intent by this request to have its business services  
5           regulated in the same manner as this Commission has permitted for AT&T South  
6           Carolina. Specifically, FiberLight requests that the Commission:

7           a.     remove the maximum rate tariff requirements for its business services, private  
8                   line, and custom network-type offerings (except as set forth in Commission Order  
9                   No. 2001-997).

10          b.     presume that the tariff filings for these uncapped services be valid upon filing.  
11                 However, if the Commission institutes an investigation of a particular filing  
12                 within seven (7) days, the tariff filing would be suspended until further order of  
13                 the Commission; and

14          c.     grant FiberLight the same treatment as AT&T in connection with any future  
15                 relaxation of the Commission's reporting requirements.

16    **Q.     PLEASE DESCRIBE THE PUBLIC INTEREST BENEFITS ASSOCIATED WITH**  
17           **APPLICANT'S PROPOSED OFFERING OF TELECOMMUNICATIONS**  
18           **SERVICES IN SOUTH CAROLINA.**

19    **A.**     The grant of this Application will promote the public interest by increasing competition  
20           in the provision of telecommunications services in South Carolina. In addition to driving  
21           prices closer to costs, thereby ensuring just and reasonable rates, competition also  
22           promotes efficiency in the delivery of services and in the development of new services.  
23           These benefits work to maximize the public interest by providing continuing incentives

1 for carriers to reduce costs while simultaneously promoting the availability of innovative  
2 new services. Applicant's operations will be overseen by a well-qualified management  
3 team with substantial telecommunications experience and technical expertise. Applicant  
4 will provide customers high quality, cost effective telecommunications services, with an  
5 emphasis on customer service.

6 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

7 **A.** Yes, it does.